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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's) WT Docket No. 96-6
Rules To Permit Flexible)
Service Offerings in the)
Commercial Mobile Radio Services)

DOCKET FILE COPY ORIGINAL

Reply Comments of General Communication, Inc.

General Communication, Inc. (GCI) hereby submits reply comments in response to the Commission's Notice of Proposed Rulemaking.¹ The Notice proposes that broadband Commercial Mobile Radio Services (CMRS) providers be authorized to offer fixed wireless local loop services. It further seeks comment on whether other or all fixed services should be permitted in addition to the mobile and related fixed services now permitted by the Commission's rules. Generally all of the parties in this proceeding support the Commission's proposal that broadband CMRS providers should be authorized to provide fixed wireless local services.²

¹Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services, FCC 96-17, released January 25, 1996.

²See Comments of Airtouch and NewVector, American Mobile Telecommunications Association, API, Bell Atlantic, BellSouth, CelPage, Cole, Raywid and Braverman, Commercial Internet eXchange Association, DSC, Frontier, GO Communications, Nextel, Northern Telecom, Omnipoint, Orion, PACS Providers Forum, Pacific Telesis, PCIA, SBC, Sprint Spectrum, SR Telecom, Telmarc, Telular, U S West, UTC, Western Wireless and

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Alternatively, some parties suggest that the Commission's current rules allow CMRS providers to provide fixed wireless local loops.³ Permitting CMRS providers to provide fixed wireless local loop services will remove barriers to the competitive provision of local exchange service throughout the country.

There is some disagreement in the comments on the regulatory status of the provision of fixed wireless local services by CMRS providers. Most parties state that as long as the fixed services are offered to the public, for profit and on an interconnected basis, they should be regulated as other CMRS services.⁴ Some parties state that this service should be regulated the same as landline local exchange service.⁵ The Commission should regulate these ancillary services offered by CMRS providers as CMRS. Pursuant to Section 332(c)(3)

a State commission may petition the Commission for authority to regulate the rates for any commercial mobile service and the Commission shall grant such petition if such State demonstrates that

WinStar.

³See Comments of Bell Atlantic/Nynex Mobile, Comcast and Rural Cellular Association.

⁴See Comments of AirTouch and NewVector, American Mobile Telecommunications Association, API, Bell Atlantic/Nynex Mobile, CelPage, Cole, Raywind and Braverman, Frontier, GO Communications, Omnipoint, PCIA, Sprint Spectrum, U S West and Western Wireless.

⁵See Comments of Bell Atlantic, BellSouth, Comcast, Nynex, OPASTCO and Pacific Telesis.

- (i) market conditions with respect to such services fail to protect subscribers adequately from unjust and unreasonable rates or rates that are unjustly or unreasonably discriminatory; or
- (ii) such market conditions exist and such service is a replacement for land line telephone exchange for a substantial portion of the telephone land line exchange service within such State.

Obviously, CMRS providers do not currently fit into either one of these categories. State commission's should not regulate the provision of fixed wireless local services that are provided in conjunction with mobile services until one of these conditions occur.

Allowing CMRS providers to provide fixed local loop service will encourage the deployment of CMRS in rural areas. GCI is a broadband PCS licensee in the Alaska MTA and plans on deploying PCS in rural areas throughout the state. In auctioning the spectrum for PCS, the Commission gave those entities who valued the spectrum most the opportunity to purchase the spectrum to build out a PCS system. Those plans should not be curtailed by incumbent LECs fearful of competition.⁶ GCI wishes to offer wireless

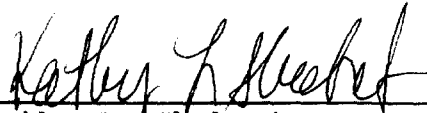
⁶See Comments of OPASTCO. OPASTCO argues that rural LECs facing competition from PCS providers will be faced with a "death spiral." Competition by all CMRS providers should be encouraged in rural America so that consumers can get the best quality service at the lowest price. This is particularly critical in rural America. The Commission has created a system implementing Congressional intent to encourage rapid deployment of PCS throughout the country, not rapid deployment everywhere except rural America. This is supported by the Telecommunications Act of 1996.

local loop services to customers and thereby offer and price differing levels of mobility at different rates.

Low cost and innovative technologies will be developed and deployed if the Commission permits CMRS providers to use their spectrum to provide services demanded by the marketplace.

Respectfully submitted,

GENERAL COMMUNICATION, INC.


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March 25, 1996

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.


Executed March 25, 1996.

A handwritten signature in cursive script, reading "Kathy L. Shobert", written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Kathy L. Shobert, do hereby certify that on this 25th day of March, 1996, a copy of the foregoing was mailed by first class mail, postage prepaid, to the parties listed below.


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Conclusion